

Application No. 10/038,255

(Jebaraj)

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REMARKS GENERAL

The August 11, 2004 office action rejected Claims 62-64 and 77 under 35 U.S.C. 112(b) as being anticipated by Kotliar Patent No. (5,799,652). A telephone interview between the Examiner and the Applicant took place on October 28, 2004 regarding the previous office action. The Applicant faxed a draft version of amendments on October 11, 2004. It was suggested and agreed in this interview to amend the claims with changes to place the application in an allowable status. This amendment incorporates all suggested changes and places the application in an allowable status.

Claims 78-88 were objected to as being dependent upon a rejected base claim.

Applicant requests cancellation of 62 through 64, and 77 through 88 of record and substitute new claims 89 through 103. New claims were rewritten to define the invention patentably over the reference.

The Rejection of Claim 77 is Overcome in Rewritten Claim 89

The new claim 77 is rewritten to define the invention patentably over Kotliar .

Kotliar and Difference of Present Invention

Kotliar discloses a hypoxic room with soft or hard walls made of glass or polymer material. The rewritten claim emphasis the novel and unobvious physical features of the invention over the reference by the inclusion of spacer strips that are positioned between the plurality of wall sheets, that is not present in Kotliar 's structure.

Objection of Claims 78-88 is Overcome, Rewritten Claim 90-100

These Claims are objected to as being dependent upon a rejected base claim. The rewritten claim refers to new Claim 89. As shown above the base claim has been revised to overcome

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rejection and hence the objection to these claims is overcome. These claims are edited with the new base claim number 89.

The Rejection of Claims 62 is Overcome in Rewritten Claim 101

Claim 62 is rewritten to include the unique physical feature of the present invention by including 'a plurality of sidewalls descending from said roof, said sidewalls having two wall sheets and a plurality of spacer strips positioned there between so that spaces are formed between said wall sheets and said spacer strips'. The Spacer Strips is a features that is not present in Kotliar 's structure.

The Rejection of Claims 63 is Overcome in Rewritten Claim 102

Claim 62 is rewritten to include the unique method of improving operational efficiency by including, 'the method comprises the step of recovering thermal energy at least in part from an exhaust air stream to the supply air stream of said temporary structure' that is not present in Kotliar 's structure.

The Rejection of Claims 64 is Overcome

Claims 64 is dependent upon rewritten base claim 102. The base claim 102 has been revised to include the unique method that is not present in Kotliar 's structure as shown above. Thus the dependent claim 64 would overcome the rejection based on the rewritten claim 102. Claim 64 is rewritten as claim 103 with reference to the new base claim number 102.

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Conclusion

For all of the above reasons, applicant submits that the claims are now in the manner required by 35 U.S.C. 112, second paragraph to be definite, specific, organized and correlated. Therefore, the applicant submits that this application is now in condition for allowance, which action is respectfully solicited.

Very respectfully,



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